

ROANOKE CITY COUNCIL-REGULAR SESSION

May 21, 2018

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 21, 2018, at 2:00 p.m., in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Sherman P. Lea, Sr., presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 40879-070317 adopted by the Council on Monday, July 3, 2017.

PRESENT: Council Members Anita J. Price, David B. Trinkle, William D. Bestpitch, Michelle L. Dykstra, Raphael E. Ferris, John A. Garland and Mayor Sherman P. Lea, Sr.-7.

ABSENT: None-0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Cecelia T. Webb, Assistant Deputy City Clerk.

The Invocation was delivered by The Reverend Joseph L. Cobb, Chaplain, Hermitage Roanoke Retirement Community.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Lea.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

HEARING OF CITIZENS UPON PUBLIC MATTERS:

ALLEGED COMPLAINT AGAINST A ROANOKE CITY COUNCIL MEMBER: Shawn Hunter, 514 24th Street, N. W., appeared before the Council with regard to alleged allegations against Council Member John A. Garland.

TERMINATION OF EMPLOYMENT WITH THE CITY: Robert Gravely, 3360 Hershberger, Road, N. W., appeared before the Council and once again voiced concerned with regard to his termination as a City employee.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda are considered to be routine by the Members of Council and will be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item would be removed from the Consent Agenda and considered separately. He called attention to a request of the City Manager for a Closed Meeting to discuss the disposition of publicly-owned property located at 13 Church Avenue, S. E., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended; and an additional request of the City Manager for Council to convene in Closed Meeting to discuss the disposition of City-owned property.

DISPOSITION OF PUBLICLY-OWNED PROPERTY LOCATED AT 13 CHURCH AVENUE, S. E.: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property located at 13 Church Avenue, S. E., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

Council Member Bestpitch moved that Council concur in the request of the City Manager as abovementioned. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

RESIGNATIONS OF ANTWYNE CALLOWAY AND DENNIS LIGHT AS MEMBERS OF THE FAIR HOUSING BOARD: A communication from the City Clerk advising of the resignations of Antwyne Calloway and Dennis Light as members of the Fair Housing Board, effective immediately, was before the Council.

(See communication on file in the City Clerk's Office.)

Council Member Bestpitch moved that the resignations be accepted and the communication be received and filed. The motion was seconded by Council Member Trinkle and adopted by the following vote.

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

RESIGNATION OF CHRISTINA HATCH AS A MEMBER OF THE ROANOKE NEIGHBORHOOD ADVOCATES: A communication from the City Clerk advising of the resignation of Christina Hatch as a member of the Roanoke Neighborhood Advocates, effective immediately, was before the Council.

(See communication on file in the City Clerk's Office.)

Council Member Bestpitch moved that the resignation be accepted and the communication be received and filed. The motion was seconded by Council Member Trinkle and adopted by the following vote.

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITY AUTHORITY: Report of qualification of R. Brian Townsend as a City representative of the Virginia's First Regional Industrial Facility Authority for a four-year term of office ending June 30, 2022, was before the Council.

(See Oath or Affirmation of Office on file in the City Clerk's Office.)

Council Member Bestpitch moved that the report of qualification be received and filed. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

DISPOSITION OF CITY-OWNED PROPERTY SITUATED AT 2410 MASON MILL ROAD, N. E., 2402 MASON MILL ROAD, N.E., 2320 MASON MILL ROAD, N. E., AND 2002 BLUE HILLS DRIVE, N. E., WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY: The City Manager submitted a written communication requesting that Council convene in a Closed Meeting to discuss the disposition of City-owned property situated at 2410 Mason Mill Road, N. E., 2402 Mason Mill Road, N.E., 2320 Mason Mill Road, N. E., and 2002 Blue Hills Drive, N. E., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

(See communication on file in the City Clerk's Office.)

Council Member Bestpitch moved that Council concur in the request of the City Manager as abovementioned. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

ACCEPTANCE OF THE 21ST CENTURY COMMUNITY LEARNING CENTER GRANT: The City Manager submitted a written communication recommending acceptance of the 21st Century Community Learning Center Grant funds from the U.S. Department of Education for the Roanoke Public Libraries.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Dykstra offered the following resolution:

(#41130-052118) A RESOLUTION authorizing the acceptance of the 21st Century Community Learning Center grant from the U. S. Department of Education to the Roanoke City Public Schools ("Schools"), to provide students, families and the community after-school and summer learning opportunities, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of resolution, see Resolution Book No. 79, page 585.)

Council Member Dykstra moved the adoption of Resolution No. 41130-052118. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

Council Member Dykstra offered the following budget ordinance:

(#41131-052118) AN ORDINANCE to appropriate funding from the Roanoke City School Board, for the 21st Century Community Learning Centers workshops, amending and reordaining certain sections of the 2017 - 2018 Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 586.)

Council Member Dykstra moved the adoption of Budget Ordinance No. 41131-052118. The motion was seconded by Vice-Mayor Price and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

ACCEPTANCE OF THE FY2017 - 2018 LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT: The City Manager submitted a written communication recommending acceptance of the FY2017 - 2018 Local Emergency Management Performance Grant supplemental funds from the Virginia Department of Emergency Management to support the "Stop the Bleed" Campaign.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Bestpitch offered the following resolution:

(#41132-052118) A RESOLUTION accepting the 2017 Supplemental Local Emergency Management Performance Grant to the City from the Virginia Department of Emergency Management, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 79, page 587.)

Council Member Bestpitch moved the adoption of Resolution No. 41132-052118. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

Council Member Bestpitch offered the following budget ordinance:

(#41133-052118) AN ORDINANCE appropriating funding from the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) through the Commonwealth of Virginia Department of Emergency Management (VDEM) for ballistic protection and training, amending and reordaining certain sections of the 2017 - 2018 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 588.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 41133-052118. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

ACCEPTANCE OF THE FOUNDATION FOR ROANOKE VALLEY GRANT: The City Manager submitted a written communication recommending acceptance of the Foundation for Roanoke Valley Grant funds to provide assistance to clients seeking services through the Social Services Central Intake Program.

(For full text, see communication on file in the City Clerk's Office.)

Vice-Mayor Price offered the following resolution:

(#41134-052118) A RESOLUTION authorizing the acceptance of a grant from the Al and Olivia Graham Fund of Foundation for Roanoke Valley to the City of Roanoke on behalf of the City's Department of Human Services, to be used to provide rent and utility assistance to clients seeking services through the Central Intake program, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of resolution, see Resolution Book No. 79, page 589.)

Vice-Mayor Price moved the adoption of Resolution No. 41134-052118. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

Council Member Bestpitch offered the following budget ordinance:

(#41135-052118) AN ORDINANCE to appropriate funding from the Foundation for Roanoke Valley to provide rent and utility assistance to clients seeking services through the Central Intake program, amending and reordaining certain sections of the 2017 - 2018 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 589.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 41135-052118. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

COMMENTS OF CITY MANAGER.

The City Manager offered the following comments:

Silver-Level Ride Center Designation

- Last week the International Mountain Bicycling Association awarded Virginia's Blue Ridge (which represents the Roanoke region) a Silver-Level Ride Center designation.
 - The IMBA Silver-Level Ride Center status solidifies the enthusiasm for mountain biking in our area and puts Virginia on par with some of the greatest mountain bike destinations.
 - In fact, there are only 15 Silver-Level Ride Centers in the world and ours is the only Ride Center on the East Coast, so this is a big deal.
 - Our status as America's East Coast Mountain Biking Capital will affect not only Roanoke, but all localities under the Visit Virginia's Blue Ridge umbrella.
 - It took nearly two years of hard work by many people to get to this point, and I want to thank Landon Howard, President of Visit Virginia's Blue Ridge, and his staff and Board of Directors for their efforts to make this a reality.

Roanoke Festival in the Park Returns

- Friday, May 25 through Sunday, May 27
- Elmwood Park
- Produced by Roanoke Festival in the Park, Inc., this event began its run in 1968 and has continued annually over the Memorial Day weekend for 50 years in Roanoke's Elmwood Park.
- The event has always been a place for the family to come and have fun, with performances, activities, and events for kids.
- They also have a great lineup of bands for adults featuring:
 - Friday: Russell Dickerson & Drake White
 - Saturday: Foghat
 - Sunday: 1964 the Tribute
- A schedule with activities, performance times, and admission passes can be accessed online at www.roanokefestival.com

National Preservation Month

- May is recognized as National Preservation Month.
 - The Roanoke Valley Preservation Foundation has joined the National Trust for Historic Preservation for the acknowledgement.
 - This year's theme is titled "This. Place. Matters."

REPORTS OF COMMITTEES:

EDUCATIONAL PROGRAMS: The Roanoke City School Board submitted a written report requesting appropriation of funds for various educational programs; and the City Manager submitted a written report recommending that Council concur in the request.

(For full text, see reports on file in the City Clerk's Office.)

Council Member Trinkle offered the following budget ordinance:

(#41136-052118) AN ORDINANCE to appropriate funding from the Commonwealth and local grants for various educational programs, amending and reordaining certain sections of the 2017 - 2018 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 590.)

Council Member Trinkle moved the adoption of Budget Ordinance No. 41136-052118. The motion was seconded by Vice-Mayor Price and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

AMENDMENT NO. 2 TO THE CONTRACT FOR PURCHASE AND SALE OF REAL PROPERTY: Council Member Ferris offered the following ordinance authorizing the City Manager to execute Amendment No. 2 to the Contract for Purchase and Sale of Real Property between the City of Roanoke and Deschutes Brewery, Inc.:

(#41137-052118) AN ORDINANCE authorizing the City Manager to execute Amendment No. 2 to the Contract for Purchase and Sale of Real Property, dated April 20, 2016 (the "Contract") between the City of Roanoke, Virginia (the "City"), and Deschutes Brewery, Inc., an Oregon corporation qualified to transact business in the Commonwealth of Virginia (the "Parent"), and its subsidiaries or affiliates that may be created to own and/or operate the Facility described below (together, such subsidiaries and affiliates are "Subsidiaries" and the Parent and the Subsidiaries together, jointly and severally, are the "Buyer"), to sell to the Buyer certain real property located at 2002 Blue Hills Drive, N. E., Roanoke, Virginia 24012, consisting of approximately 49.4173 acres, more or less, together with all improvements thereon, designated as Official Tax Map No. 7230101 (the "Property"), for the construction and operation of a brewery and warehouse facility (the "Facility"), to amend certain terms of the Contract to extend the Closing Date; authorizing the City Manager to execute such further documents and take such further actions as may be necessary to accomplish the above matters; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 591.)

Council Member Ferris moved the adoption of Ordinance No. 41137-052118. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Ferris, Garland and Mayor Lea-7.

NAYS: None-0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

DEDICATION OF FIRST PRESBYTERIAN CHURCH: Having attended a recent dedication of First Presbyterian Church as a historical marker, Council Member Garland encouraged research and dedications of more historical markers throughout the City.

MOUNTAIN VALLEY PIPELINE: Having held previous discussions regarding the effects of the Mountain Valley Pipeline Project on the Roanoke River Watersheds, Council Member Garland encouraged the City to keep the discussions in the forefront.

Council Member Bestpitch announced that he, along with Dwayne D'Ardenne, Stormwater Manager, and others met with Governor Ralph Northam to discuss the potential effects on the Roanoke River watersheds from the Mountain Valley Pipeline Project.

WILLIAM FLEMING AND PATRICK HENRY HIGH SCHOOL BACCALAURETES: It was pointed out that Vice-Mayor Price and Council Member Bestpitch attended the Baccalaureate Services for both William Fleming and Patrick Henry High Schools which were very inspiring.

LIFETIME ACHIEVEMENT AWARD: Mayor Lea announced that Vice-Mayor Price was honored with the Lifetime Achievement Award by the NAACP at its Annual Citizen of the Year Banquet on May 4 at the Holiday Inn Tanglewood Hotel and Conference Center.

NATIONAL GUN VIOLENCE AWARENESS DAY: Mayor Lea called attention to a recent school shooting in Santa Fe, Texas. He announced that Friday, June 1 was National Gun Violence Awareness Day and urged all citizens to join him in wearing the color orange to remember the victims of gun violence in the nation and work together to address gun violence in the Nation, the Commonwealth and the City of Roanoke.

VACANCIES ON CERTAIN AUTHORITIES, BOARDS, COMMISSIONS AND COMMITTEES APPOINTED BY COUNCIL. NONE.

At 2:47 p.m., the Mayor declared the Council Meeting in recess for a Closed Meeting to be held in the Council's Conference Room, Room 451, fourth floor, Noel C. Taylor Municipal Building; and thereafter to be reconvened at 7:00 p.m. in the Council Chamber.

At 7:00 p.m., the Council meeting reconvened in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, with Mayor Sherman P. Lea, Sr., presiding.

PRESENT: Council Members Anita J. Price, David B. Trinkle, William D. Bestpitch, Michelle L. Dykstra, John A. Garland and Mayor Sherman P. Lea, Sr.-6.

ABSENT: Council Member Raphael E. Ferris-1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Cecelia T. Webb, Assistant Deputy City Clerk.

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Lea.

CERTIFICATION OF CLOSED MEETING: With respect to the Closed Meeting just concluded, Council Member Dykstra moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Garland and Mayor Lea-6.

NAYS: None-0.

(Council Member Ferris was absent.)

PRESENTATIONS AND ACKNOWLEDGEMENTS:

LEADERSHIP COLLEGE: Mayor Lea recognized the City of Roanoke 2018 Leadership College Graduates; and presented each with a Certificate of Achievement.

PUBLIC HEARINGS:

A & M ENTERPRISES L.P.: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 21, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of A & M Enterprises L.P., to rezone property located at 310 Shenandoah Avenue, N. E., bearing Official ax Map No. 3014019, from D, Downtown District, to I-1, Light Industrial District, with conditions, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, May 1, 2018, and Tuesday, March 8, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding that the Original Application is consistent with the City's Comprehensive Plan, *Williamson Road Area Plan*, and Zoning Ordinance as the subject property, as conditioned, will be developed and used in a manner appropriate to the surrounding area.

(For full text, see report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#41138-052118) AN ORDINANCE to rezone certain property located at 310 Shenandoah Avenue, N. E., from D, Downtown District, to I-1, Light Industrial District, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 593.)

Council Member Bestpitch moved the adoption of Ordinance No. 41138-052118. The motion was seconded by Council Member Trinkle.

Maryellen F. Goodlatte, Esquire, was present in support of the petitioner.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no comments and/or questions by the Council Members, Ordinance No. 41138-052118 was adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Garland and Mayor Lea-6.

NAYS: None-0.

(Council Member Ferris was absent.)

PROPOSAL OF THE CITY OF ROANOKE TO CONSIDER THE SALE OF PORTIONS OF CITY-OWNED PROPERTIES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 21, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to consider the sale of portions of City-owned properties located at 0 Norfolk Avenue, S. E., and an approximately 0.1129 acre portion of City-owned property located at 26 Salem Avenue, S E., bearing Official Tax Map No. 4010118, respectively to Faison-Roanoke Office Limited Partnership; Blue Ridge Highlands, Inc.; William J. Lemon; Sarah L. Ludwig; W. Tucker Lemon, Individually and as a Trustee of the W. Tucker Lemon 1990 Living Trust; and Stephen W. Lemon, in various interests as tenants in common, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, May 14, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending conveyance of the property, subject to approval as to form by the City Attorney.

(For full text, see report on file in the City Clerk's Office.)

Council Member Trinkle offered the following ordinance:

(#41139-052118) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the sale and conveyance of the following two parcels of City owned property described as being (i) an approximate 0.1687 acre portion of land located at 0 Norfolk Avenue, S. W., Roanoke, Virginia, being a portion of Official Tax Map No. 4010121; and (ii) an approximate 0.1129 acre portion of land located at 26 Salem Avenue, S. E., Roanoke, Virginia, being a portion of Official Tax Map No. 4010118, (collectively, the "Property"), to Faison Roanoke Office Limited Partnership, a North Carolina limited partnership, Blue Ridge Highlands, Inc., a Virginia

corporation, William J. Lemon, Sarah L. Ludwig, W. Tucker Lemon, individually, and as a Trustee of the W. Tucker Lemon 1990 Living Trust, and Stephen W. Lemon, in various interests as tenants in common, upon certain terms and conditions; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 594.)

Council Member Trinkle moved the adoption of Ordinance No. 41139-052118. The motion was seconded by Vice-Mayor Price.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 41139-052118 was adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Garland and Mayor Lea-6.

NAYS: None-0.

(Council Member Ferris was absent.)

PROPOSAL OF THE CITY OF ROANOKE TO CONSIDER A CONTRACT FOR PURCHASE AND SALE: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 21, 2018 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to consider a Contract for Purchase and Sale of approximately 1.2106 acres of City-owned Real Property located at 201 Carver Avenue, N. E., bearing Official Tax Map No. 2041817, to RYT, LLC, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, May 14, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending conveyance of City-owned property to RYT, LLC, subject to approval as to form by the City Attorney.

(For full text, see report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#41140-052118) AN ORDINANCE authorizing the proper City officials to execute a Contract for Purchase and Sale of Real Property ("Contract") between the City of Roanoke, Virginia ("City"), and RYT, L.L.C. ("Buyer"), to sell to Buyer an approximately 1.2106 acres of a portion of City-owned property, together with the Building situated thereon, located at 201 Carver Avenue, N. E., Roanoke, Virginia, which parcel consists of a portion of City-owned property designated as Official Tax Map No. 2041817, upon certain terms and conditions; authorizing the City Manager to execute such further documents and take such further actions as may be necessary to accomplish the above matters; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 596.)

Council Member Bestpitch moved the adoption of Ordinance No. 41140-052118. The motion was seconded by Council Member Trinkle.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 41140-052118 was adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Garland and Mayor Lea-6.

NAYS: None-0.

(Council Member Ferris was absent.)

ALLEGHENY WEST REGIONAL CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS, D/B/A MELROSE AVENUE CHILD DEVELOPMENT CENTER: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 21, 2018, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Allegheny West Regional Conference Corporation of Seventh-Day Adventists, d/b/a Melrose Avenue Child Development Center, for designation of its real and personal properties, respectively, located at 1523 Melrose Avenue, N. W., as exempt from taxation, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, May 14, 2018.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending exemption of Allegheny West Regional Conference Corporation of Seventh-Day Adventist, d/b/a Melrose Adventist Child Development Center from real and personal property taxation, pursuant to Article X, Section 6 (a) 6 of Constitution of Virginia, effective July 1, 2018.

(For full text, see report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#41141-052118) AN ORDINANCE exempting from real estate property taxation certain real property, and exempting from personal property taxation certain personal property, located in the City of Roanoke owned by Allegheny West Regional Conference Corporation of Seventh-Day Adventists, d/b/a Melrose Adventist Child Development Center, ("Applicant") a Virginia non-stock, non-profit corporation, devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date, and dispensing with the second reading by title of this Ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 597.)

Council Member Bestpitch moved the adoption of Ordinance No. 41141-052118. The motion was seconded by Vice-Mayor Price.

Reverend C. Shaun Arthur, Pastor, Melrose Avenue Seventh-Day Adventist Church, appeared in support of the request and advised that 42 students were currently enrolled in its daycare program, with students learning various subject matters, such as foreign language, mathematics, etc.

Vice-Mayor Price congratulated Pastor Arthur on the reinstatement of the daycare facility; and announced that the first class of students will graduate on May 30 at 5:00 p.m., at the Melrose Avenue Seventh-Day Adventist Center.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 41141-052118 was adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Garland and Mayor Lea-6.

NAYS: None-0.

(Council Member Ferris was absent.)

OTHER BUSINESS:

EROSION AND SEDIMENT CONTROL REGULATIONS: The City Manager submitted a written report recommending amendments of the City Code with regard to erosion and sediment control regulations.

(See report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#41142-052118) AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by repealing Chapter 11.1, Erosion and Sediment Control, and adopting a new Chapter 11.7, Erosion and Sediment Control, a comprehensive revision of the erosion and sediment control regulations of the City; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 599.)

Council Member Bestpitch moved the adoption of Ordinance No. 41142-052118. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Garland and Mayor Lea-6.

NAYS: None-0.

(Council Member Ferris was absent.)

UPDATE THE CITY'S STORMWATER MANAGEMENT CODE: The City Manager submitted a written report recommending amendments of the City Code in order to update the City's Stormwater Management Code.

(See communication on file in the City Clerk's Office.)

Council Member Trinkle offered the following ordinance:

(#41143-052118) AN ORDINANCE amending and reordaining Section 11.6-603, Enforcement, holds on certificates of occupancy, of Chapter 11.6, Stormwater Management, Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 614.)

Council Member Trinkle moved the adoption of Ordinance No. 41143-052118. The motion was seconded by Council Member Bestpitch.

Council Member Bestpitch commented that in some instances a Certificate of Occupancy would be issued earlier than normal with a performance guarantee bond in place and inquired in those instances, when would the City invoke the bond; whereupon, Chris Chittum, Director, Planning, Building and Development advised that a six month timeframe would be reasonable to certify that the developer was moving forward in the project.

There being no additional questions or comments by the Council Members, Ordinance No. 41143-052118 was adopted by the following vote:

AYES: Council Members Price, Trinkle, Bestpitch, Dykstra, Garland and Mayor Lea-6.

NAYS: None-0.

(Council Member Ferris was absent.)

PETITION FOR APPEAL FILED BY BECKY MCDOLE: A Petition for Appeal filed by Becky McDole, on behalf of Raz M. Taz, LLC, appealing a decision of the Architectural Review Board denying her request that includes replacing the wood windows with new windows, replacing old vinyl siding with new, and to finish installing vinyl siding on the rear detached garage that currently has a combination of wood clapboard and vinyl siding at 1402 Patterson Avenue, S. W., was before the Council.

(See Petition for Appeal on file in the City Clerk's Office.)

Vice-Mayor Price advised of a personal interest in the Petition for Appeal and read into the record the following Conflict of Interest Statement:

"STATEMENT OF CONFLICT OF INTEREST"

I, Anita James Price, state that I have a personal interest in Agenda Item C. 3. (a) of the City Council Agenda for the 7:00 p.m. session of City Council on May 21, 2018, regarding Petition for Appeal filed by Becky McDole, on behalf of Raz M. Taz, LLC, appealing a decision of the Architectural Review Board denying her request that includes replacing the wood windows with new windows, replacing old vinyl siding with new, and to finish installing vinyl siding on the rear detached garage that currently has a combination of wood clapboard and vinyl siding at 1402 Patterson Avenue, S. W., Roanoke, Virginia, because I have had a contractual relationship with Raz M. Taz, LLC.

Therefore, pursuant to Virginia Code Sections 2.2-3110 (A)(4) and 2.2-3112 (A)(1), I must refrain from participation in this matter. I ask that the City Clerk accept this statement and ask that it be made a part of the minutes of this meeting.

Witness the following signature made this 21st day of May, 2018.

S/Anita J. Price
Anita J. Price, Vice-Mayor"

(See Statement of Conflict of Interest on file in the City Clerk's Office.)

The Architectural Review Board submitted a written report advising that the alterations were inconsistent with the H-2 guidelines; and therefore was recommending that City Council affirm its decision to deny the Certificate of Appropriateness for the work that had taken place and the proposed work.

(For full text, see report on file in the City Clerk's Office.)

The City Attorney pointed out that in order for the petitioner to prevail, four affirmative votes would be needed; and thereafter, the petitioner could request a continuance to a later meeting date to ensure the full complement of the Council.

For clarification purposes, Council Member Bestpitch advised that if the Council voted on the matter, the petitioner could not submit another application to the Architectural Review Board for a period of one year.

There being no additional comment and/or questions, Council Member Bestpitch moved that the matter be remanded to the Architectural Review Board for further review. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Trinkle, Bestpitch, Dykstra, Garland and Mayor Lea-5.

NAYS: None-0.

(Council Member Ferris was absent and Vice-Mayor Price abstained from voting.)

HEARING OF CITIZENS ON PUBLIC MATTERS:

NATIONAL GUN VIOLENCE AWARENESS DAY: Caren Cobb, Louis Garcia, Katrina Wood, Barbara Andes, Robin Barnhill, Catherine Koebel, Jordan Bell, David Lawhorn, Fred Donaher representing Moms Demand Action, appeared before the Council with regard to denial of recognizing Friday, June 1, as National Gun Violence Awareness Day.

GUARDIANSHIP OF GRANDCHILDREN: Sophia Bryant appeared before the Council to seek assistance with regard to guardianship of grandchildren who were currently in foster care.

ROANOKE VALLEY PRESERVATION FOUNDATION: Alison Blanton, President, appeared before the Council and expressed appreciation to the Council for declaring May 2018 as National Preservation Month.

NATIONAL GUN VIOLENCE AWARENESS DAY: Mayor Lea once again called attention to Friday, June 1 as National Gun Violence Awareness Day and urged all citizens to join him in wearing the color orange to remember the victims of gun violence in the nation and work together to address gun violence in the Nation, Commonwealth and in the City.

There being no further business to come before the Council, Mayor Lea declared the regular meeting adjourned at 8:47 p.m.

APPROVED

ATTEST:



Cecelia T. Webb
Assistant Deputy City Clerk



Sherman P. Lea, Sr.
Mayor
